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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,

NO. CR- 03-0327 MMC

11 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER**

12 v.

13 CORIE McNAIR,

14 Defendant.
15 _____/

The parties hereby stipulate as follows:

16 1. On August 31, 2011 a status conference was held in this matter. Mr. McNair was not
17 present at that time, as he remained in treatment at the Federal Medical Center at Butner, South
18 Carolina pursuant to his commitment under 18 U.S.C. 4241(d).

19 2. On that date, the Court indicated that it had read and considered a Forensic Evaluation from
20 a Butner staff psychologist, Dr. Angela Walden-Weaver, as well as a cover letter from Sara M. Revell,
21 Complex Warden, dated August 22, 2011. The report was generated in compliance with this Court's
22 Order of February 2, 2011. In short, the report stated that Mr. McNair was not competent to proceed
23 to trial at this time. However, it was the also the opinion of staff that Mr. McNair might be returned
24 to competence with an additional period of hospitalization and treatment.

25 3. In light of the above, the Court ordered that Mr. McNair be retained in the custody of the
26 Department of Justice for continued hospitalization and treatment.
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1 4. On or about November 18, 2011 the undersigned parties received an email correspondence
2 from Kelly Forbes of the Federal Medical Center at Butner, indicating that the hospital was not in
3 receipt of an Order, or any request, in relation to Mr. McNair's pending court date.

4 5. On November 22, 2011 counsel for Mr. McNair, Brendan Conroy, spoke to Ms. Forbes,
5 and to the forensic evaluator, Dr. Angela Walden-Weaver. The joint request from Butner staff was
6 that they receive a directive from the court, in the form of an Order, directing that an updated report
7 be prepared addressing Mr. McNair's present competence, as well as the likelihood that he would
8 regain competence with further hospitalization and treatment.

9 6. Therefore, it is the joint request of the parties that the court issue an Order to the Federal
10 Medical Center at Butner requiring staff there to provide an updated forensic evaluation of Mr.
11 McNair describing whether he is currently competent to stand trial, and whether he is likely to regain
12 competence with further hospitalization and treatment.

13 7. The parties request that the report be provided on or before February 22, 2012. In addition,
14 the current status conference, now set for January 11, 2012, should be continued to February 29, 2012
15 in order to allow time for receipt and review of the report.

16 8. The parties request that the Court find that the time from January 11, 2012 to February 29,
17 2012 is excluded from Speedy Trial Act computation on the grounds that the defendant is pending
18 examination to determine his competency and such time is excludable under 18 U.S.C 3161(h)(1)(A).

19 Date _____

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21 _____
22 /s/
23 BRENDAN CONROY
24 Attorney for Defendant

25 _____
26 /s/
27 OWEN MARTIKAN
28 Assistant United States Attorney

1 **ORDER**

2 GOOD CAUSE APPEARING, the court issues the following Order:

3 1. The Federal Medical Center at Butner shall prepare an updated forensic evaluation of Mr.
4 McNair addressing his current competence as well as the likelihood that he will regain competence
5 with further hospitalization and treatment. (18 U.S.C. 4241 et seq) The report shall be provided on
6 or before February 22, 2012.

7 2. The current status conference date, now set for January 11, 2012, is continued to February
8 29, 2012 in order to allow time for receipt and review of the report.

9 3. The Court finds that the time from January 11, 2012 to February 29, 2012 is excluded from
10 Speedy Trial Act computation on the grounds that the defendant is pending examination to determine
11 his competency and such time is excludable under 18 U.S.C 3161(h)(1)(A).

12 **SO ORDERED**

13 Date January 9, 2012

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16 UNITED STATES DISTRICT COURT
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